

SENATE BILL 306

R7

EMERGENCY BILL
ENROLLED BILL

(11r1499)

— *Judicial Proceedings/Environmental Matters* —

Introduced by **Senator Mathias**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Minibike Passenger**
3 **Scooter – Use in Ocean City**

4 FOR the purpose of ~~altering the definition of “motor scooter” under the Maryland~~
5 ~~Vehicle Law~~ authorizing the use of a “motorized ~~minibike~~ *passenger scooter*” on
6 certain highways under certain conditions; authorizing the State Highway
7 Administration to prohibit the operation of a motorized ~~minibike~~ *passenger*
8 *scooter* on certain highways under certain circumstances; defining certain
9 terms; making this Act an emergency measure; and generally relating to ~~the~~
10 definition of “motor scooter” under the Maryland Vehicle Law, *the use of a*
11 motorized ~~minibike~~ *passenger scooter* in Ocean City.

12 ~~BY repealing and reenacting, with amendments,~~

13 ~~Article – Transportation~~

14 ~~Section 11-134.5~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~Annotated Code of Maryland~~
 2 ~~(2009 Replacement Volume and 2010 Supplement)~~

3 BY repealing and reenacting, without amendments,
 4 Article – Transportation
 5 Section ~~21-1201(e)~~ 21-101(a), (c), (d), and (e)
 6 Annotated Code of Maryland
 7 (2009 Replacement Volume and 2010 Supplement)

8 BY adding to
 9 Article – Transportation
 10 Section 25-102.2
 11 Annotated Code of Maryland
 12 (2009 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 14 MARYLAND, That the Laws of Maryland read as follows:

15 Article – Transportation

16 ~~11-134.5.~~

17 (a) ~~“Motor scooter” means a nonpedal vehicle that:~~

18 (1) ~~Has a seat for the operator;~~

19 (2) ~~Has two OR THREE wheels, of which one is 10 inches or more in~~
 20 ~~diameter;~~

21 (3) (i) ~~[Has] FOR A TWO WHEEL VEHICLE, HAS a step through~~
 22 ~~chassis; OR~~

23 (ii) ~~FOR A THREE WHEEL VEHICLE, HAS A COCKPIT;~~

24 (4) ~~Has a motor:~~

25 (i) ~~With a rating of 2.7 brake horsepower or less; or~~

26 (ii) ~~If the motor is an internal combustion engine, with a~~
 27 ~~capacity of 50 cubic centimeters piston displacement or less; and~~

28 (5) ~~Is equipped with an automatic transmission.~~

29 (b) ~~“Motor scooter” does not include a vehicle that has been manufactured for~~
 30 ~~off-road use, including a motorcycle and an all-terrain vehicle.~~

1 ~~21-1201.~~

2 ~~(e) With the exceptions stated in this subtitle, the provisions of this subtitle~~
3 ~~that are applicable to bicycles apply whenever a bicycle, an EPAMD, or a motor~~
4 ~~scooter is operated on any highway or whenever a bicycle or an EPAMD is operated on~~
5 ~~any path set aside for the exclusive use of bicycles.~~

6 21-101.

7 (a) In this title and Title 25 of this article the following words have the
8 meanings indicated.

9 (c) "Bicycle path" means any travelway designed and designated by signing
10 or signing and marking for bicycle use, located within its own right-of-way or in a
11 shared right-of-way, and physically separated from motor vehicle traffic by berm,
12 shoulder, curb, or other similar device.

13 (d) (1) "Bicycle way" means:

14 (i) Any trail, path, part of a highway, surfaced or smooth
15 shoulder, or sidewalk; or

16 (ii) Any other travelway specifically signed, marked, or
17 otherwise designated for bicycle travel.

18 (2) "Bicycle way" includes:

19 (i) Bicycle path; and

20 (ii) Bike lane.

21 (e) "Bike lane" means any portion of a roadway or shoulder designated for
22 single directional bicycle flow.

23 **25-102.2.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
25 **MEANINGS INDICATED.**

26 **(2) (I) "LICENSED DRIVER" MEANS AN INDIVIDUAL WHO**
27 **HOLDS A DRIVER'S LICENSE OF ANY CLASS ISSUED BY THE STATE OR, IF THE**
28 **INDIVIDUAL IS A NONRESIDENT OF THE STATE, ISSUED BY ANOTHER STATE OR**
29 **COUNTRY.**

30 **(II) "LICENSED DRIVER" DOES NOT INCLUDE AN**
31 **INDIVIDUAL WHO HOLDS A LEARNER'S PERMIT OR A PROVISIONAL LICENSE**

1 ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE
 2 STATE, THE EQUIVALENT LICENSE ISSUED BY ANOTHER STATE OR COUNTRY.

3 (3) (I) “MOTORIZED ~~MINIBIKE~~ PASSENGER SCOOTER” MEANS A
 4 NONPEDAL VEHICLE THAT:

5 1. HAS A COCKPIT CONTAINING A SEAT FOR THE
 6 OPERATOR AND A PASSENGER;

7 2. HAS THREE WHEELS, OF WHICH ONE IS 10 INCHES
 8 OR MORE IN DIAMETER;

9 3. HAS A MOTOR:

10 A. WITH A RATING OF 2.7 BRAKE HORSEPOWER OR
 11 LESS; OR

12 B. IF THE MOTOR IS AN INTERNAL COMBUSTION
 13 ENGINE, WITH A CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT
 14 OR LESS; AND

15 4. IS EQUIPPED WITH AN AUTOMATIC
 16 TRANSMISSION.

17 (II) “MOTORIZED ~~MINIBIKE~~ PASSENGER SCOOTER” DOES
 18 NOT INCLUDE A VEHICLE THAT HAS BEEN MANUFACTURED FOR OFF-ROAD USE,
 19 INCLUDING A MOTORCYCLE AND AN ALL-TERRAIN VEHICLE.

20 (B) NOTWITHSTANDING ANY OTHER PROVISIONS OF THE MARYLAND
 21 VEHICLE LAW REGARDING THE OPERATION OF A VEHICLE ON A HIGHWAY IN
 22 THE STATE, IN THE MUNICIPAL BOUNDARIES OF OCEAN CITY, A LICENSED
 23 DRIVER MAY OPERATE A MOTORIZED ~~MINIBIKE~~ PASSENGER SCOOTER ON:

24 (1) A LOCAL HIGHWAY; AND

25 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ANY PORTION
 26 OF A STATE HIGHWAY DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION
 27 AS A BICYCLE WAY.

28 (C) THE STATE HIGHWAY ADMINISTRATION MAY PROHIBIT THE
 29 OPERATION OF A MOTORIZED ~~MINIBIKE~~ PASSENGER SCOOTER ON A BICYCLE
 30 WAY UNDER THE JURISDICTION OF THE STATE HIGHWAY ADMINISTRATION IF
 31 IT DETERMINES THAT:

1 **(1) AN OCCUPANT OF A MOTORIZED ~~MINIBIKE~~ PASSENGER**
2 **SCOOTER IS PLACED AT AN UNACCEPTABLE RISK OF INJURY ON THE BICYCLE**
3 **WAY; OR**

4 **(2) THE OPERATION OF A MOTORIZED ~~MINIBIKE~~ PASSENGER**
5 **SCOOTER IS A THREAT TO THE SAFETY OR MOBILITY OF OTHERS ALONG THE**
6 **BICYCLE WAY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety,
9 has been passed by a yea and nay vote supported by three-fifths of all the members
10 elected to each of the two Houses of the General Assembly, and shall take effect from
11 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.